

### **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Office Action mailed on September 8, 2006, and the references cited therewith.

Claims 1, 5, 12-14, 16, and 23 are amended and no claims are added or cancelled. Claims 1-6, 8-20, and 22-30 are pending in this application.

Applicant respectfully submits that no new matter has been added in amended claims 1, 5, 12-14, 16, and 23. The amendment to claims 5, 12, and 13 was to add a period (".") at the end of the recited claim. Support for the amendment to claims 1, 12, 16, and 23 can be found throughout the specification including, for example, at Page 15, line 28 to Page 16, line 8.

### **§ 102 Rejection of the Claims**

Claims 1-28 were rejected under 35 USC §102(e) as being anticipated by Cooke, Jr. et al. (U.S. Patent No. 6,574,629). Applicant has amended independent claims 1, 12, 16, and 23 to more clearly recite the claimed subject matter. Insofar as the rejection applies to amended claims 1, 12, 16, and 23, Applicant respectfully traverses.

Applicant does not admit that Cooke is indeed prior art and reserves the right to swear behind the same at a later date. Nonetheless Applicant believes that the present application can be distinguished from the Cooke reference for at least the following reasons.

The Cooke reference appears to describe a picture archiving and communication system that can compare conflicting demographic data of a study and can allow a user to fix the incorrect demographic data. (Column 16, lines 51-61). The Cooke reference indicates that for DICOM header files database servers store all study attributes, including image annotations and edits, window level settings, measurements, and radiologist comments (Column 10, lines 60-65). The reference does not, however, appear to show reconciling invalid data in at least one

of image data and patient data, and providing a revision history associated with the reconciled data that is forwarded together through the system.

In contrast, Applicant's independent claim 1, as amended, recites in part:

requesting the invalid or incomplete patient data to reconcile the patient data during the reconciliation event and to add reconciled patient data and a revision history associated with the reconciled invalid data to the asset; and

forwarding the asset with the added reconciled patient data and the revision history upon reconciling the patient data

Applicant's independent claim 12, as amended, recites in part:

requesting the invalid or incomplete patient data to reconcile the patient data and to add reconciled patient data and a revision history associated with the reconciled patient data to the storage asset; and

forwarding the storage asset including the reconciled patient data and the revision history associated with the reconciled patient data to a network destination upon validating the patient data and prior to receiving all of the image data

Also, Applicant's independent claim 16, as amended, recites in part:

a patient manager that reconciles invalid data in the patient data during the reconciliation event to form reconciled patient data and a revision history associated with the reconciled invalid data; and

a routing module that forwards the storage asset with the reconciled patient data and the revision history associated with the reconciled invalid data added to a network destination in accordance with the routing information upon the validation of the patient data

Finally, Applicant's independent claim 23, as amended, recites in part:

requesting the invalid or incomplete image data and patient data to reconcile the invalid or incomplete image data and patient data during the reconciliation event and to add reconciled image data, a revision history associated with the reconciliation event and patient data to the storage asset; . . . and

forwarding the network communications with the added reconciled image data, the revision history associated with the

reconciliation event and patient data according to the selected routes in parallel

Applicant is unable to locate anywhere in the Cooke reference, among other things, a teaching or suggestion of a method that includes adding “reconciled patient data and a revision history associated with the reconciled invalid data” to an asset and forwarding the asset with the added reconciled patient data and the revision history upon reconciling the patient data as provided in independent claims 1 and 12. In addition, Applicant is unable to locate anywhere in the Cooke reference, among other things, a teaching or suggestion of a method that includes “requesting the invalid or incomplete image data and patient data to reconcile the invalid or incomplete image data and patient data during the reconciliation event and to add reconciled image data, a revision history associated with the reconciliation event and patient data to the storage asset” and “forwarding the network communications with the added reconciled image data, the revision history associated with the reconciliation event and patient data according to the selected routes in parallel” as recited in independent claim 23.

Similarly, Applicant is unable to locate anywhere in Cooke a router that includes a “patient manager that reconciles invalid data in the patient data during the reconciliation event to form reconciled patient data and a revision history associated with the reconciled invalid data,” and “a routing module that forwards the storage asset with the reconciled patient data and the revision history associated with the reconciled invalid data added to a network destination in accordance with the routing information upon the validation of the patient data” as recited in independent claim 16.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 12, 16, and 23, as amended, is not present in the Cooke reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection of independent claims 1, 12, 16, and 23, as amended, as well as those claims that depend therefrom.

*§103 Rejection of the Claims*

Claims 11, 22 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Cooke, Jr. et al. (U.S. Patent No. 6,574,629) in view of Fendick et al (U.S. Patent No. 6,252,857).

Claims 2 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Cooke, Jr. et al. (U.S. Patent No. 6,574,629) as applied to claim 1 above, and further in view of Cawley (U.S. Patent No. 5,361,334).

Claims 29-30 were rejected under 35 USC § 103(a) as being unpatentable over Cooke, Jr. et al. (U.S. Patent No. 6,574,629) and Fendick et al (U.S. Patent No. 6,252,857) as applied to claim 23 above, and further in view of Martin et al (U.S. Patent No. 6,532,455).

Claims 2 and 11

Claims 2 and 11 are dependent claims on independent claim 1, which is in condition for allowance for at least the reasons stated above. Applicant respectfully submits that Cawley and Fendick do not cure the deficiencies associated with Cooke. That is, neither Cawley nor Fendick teach or suggest a method that includes “requesting . . . invalid or incomplete patient data to reconcile the patient data during the reconciliation event and to add reconciled patient data and a revision history associated with the reconciled invalid data to the asset; and forwarding the asset with the added reconciled patient data and the revision history upon reconciling the patient data,” as recited in independent claim 1.

As such, Applicant respectfully submits that each and every element and limitation of independent claim 1, as amended, is not taught or suggested by the Cooke, Cawley and Fendick references, either individually or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 2 and 11.

### Claims 17 and 22

Claims 17 and 22 are dependent claims on independent claim 16, which is in condition for allowance for at least the reasons stated above. Applicant respectfully submits that Cawley and Fendick do not cure the deficiencies associated with Cooke. That is, neither Cawley and Fendick teach or suggest a router that includes “a patient manager that reconciles invalid data in the patient data during the reconciliation event to form reconciled patient data and a revision history associated with the reconciled invalid data; and a routing module that forwards the storage asset with the reconciled patient data and the revision history associated with the reconciled invalid data added to a network destination in accordance with the routing information upon the validation of the patient data,” as recited in claim 16.

As such, Applicant respectfully submits that each and every element and limitation of independent claim 16, as amended, is not taught or suggested by the Cooke Cawley and Fendick references, either individually or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 17 and 22.

### Claims 23 and 29-30

Claims 29-30 are dependent claims on independent claim 23, which is in condition for allowance for at least the reasons stated above. Applicant respectfully submits that neither Fendick nor Martin cure the deficiencies associated with Cooke. That is, neither Fendick nor Martin teach or suggest, independently or in combination, a method that includes requesting invalid or incomplete image data and patient data to reconcile invalid or incomplete image data and patient data during the reconciliation event and to add reconciled image data, a revision history associated with the reconciliation event and patient data to the storage asset, and forwarding the network communications with the added reconciled image data, the

revision history associated with the reconciliation event and patient data according to the selected routes in parallel, as recited in independent claim 23.

As such, Applicant respectfully submits that each and every element and limitation of independent claim 23, as amended, is not taught or suggested by the Cooke, Fendick and Martin references, either individually or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of independent claim 23 dependent claims 29-30.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0122 to facilitate prosecution of this matter.


**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 8<sup>th</sup> day of December, 2006.

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